

EXPLANATION OF EFFECT OF **2005 LIMIT LIABILITY LAW** ON
AGRITOURISM FARMERS IN NORTH CAROLINA
SESSION LAW 2005-236

The law says that an agritourism farm operator is not liable for injury or death of a participant resulting from the inherent risks of the agritourism activity, as long as the following warning is posted. However, this law **does not** take the place of liability insurance.

‘WARNING

Under North Carolina law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.’

The **text of the law** in full can be found at ncagr.com/agritourism. Click on “Limit Liability for Agritourism Farms” in the side column. An explanation of the benefits of the signs is also located in that column. Additional legislation affecting County Fairs is also found at that site. The site is “County Fair Liability.”

The warning sign needs to be posted in a clearly visible location at or near the entrance to the agritourism facility where visitors will see it when arriving at the location, and also posted at the site(s) of the agritourism activity. The warning language must also be included in any written contracts with other customers or vendors.

The explanation below is provided by the General Counsel for the Dept. of Agriculture and Consumer Services to explain the purpose of using the signs.

The law is intended to discourage lawsuits against agritourism operators by making participants aware of the inherent risks of agritourism activities. It does not protect you from liability if you are negligent or if you fail to take reasonable steps to correct unsafe conditions on your property. Although not required under this law, you can also discourage lawsuits by posting other signs to make participants aware of dangerous conditions that cannot be corrected, such as “No Swimming or Wading” around ponds, or “Keep Out” in equipment storage areas.

From Dahr Tanoury, Torts Attorney in the NC Attorney General’s Office.

Regarding warning signs, from a litigation standpoint, I welcome them. The more obvious a potential hazard is to a visitor, the better for me in proving that the plaintiff should have been aware of the hazard and failed to exercise proper care in avoiding same, eg, a big orange sign staring them in the face warning them of the kicking horses. Though the sign might not win the day, it will go a long way in doing so. (July 2006)

For more information on obtaining Liability Warning Signs, go to **ncagr.com/agritourism**. You do not have to join ANA to buy signs. See text of law (above). However, signs available through ANA are vinyl and virtually weather-proof.

Contact Martha Glass, Agritourism Office, at martha.glass@ncmail.net or call the Agritourism Office at 919-733-7887 for additional information.